IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 23RD AUGUST 2006 / 1ST BHADRA 1928

Bail Appl..No. 5250 of 2006

ST.958/2005 of J.M.F.C.-IV, KOCHI

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PETITIONER/ACCUSED

P.I.NOEL, NEW PENS AND PAPERS,
1699, TRICHI ROAD TAX OFFICE BUS STOP,
RAMANATHAPURAM, COIMBATORE.

BY ADV. SRI.BIJU M.JOHN
SRI.S.KRISHNA PRASAD (AYALUR)

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA REP.BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. COMMMISSIONER OF POLICE,
COIMBATORE, TAMIL NADU.

3. I.C.I.C.I BANK LIMITED, PADMA JUNCTION,
ERNAKULAM, COCHIN, KERALA.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23.8.2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5250/2006

DATED THIS THE 23RD DAY OF AUGUST, 2006

O R D E R

The petitioner is accused in S.T.No.958/2005 of Judicial Magistrate of First Class-IV, Kochi, the offence alleged against him, being under Section 138 of the Negotiable Instruments Act, in short 'the Act'. The petitioner did not appear before the Court below. Therefore, a non bailable warrant was issued against him. Now he is before this court, under Section 438 Cr.P.C.

2. The learned counsel submitted that the petitioner had re-paid the amount, covered under the cheque, which is the subject matter of the complaint, preferred before the Court below. I am not entering into any discussion, as the fact, submitted by the counsel, is a fact to be agitated by the parties, before that Court.

3. In the above facts situation, I direct the petitioner to appear before the Judicial Magistrate of First Class-IV, Kochi, on 31.8.2006. The learned Magistrate

shall allow the petitioner to be on bail, imposing such conditions as are deemed necessary, so that the petitioner would be available on all the posting dates, before that Court, and face the trial.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs